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**58a**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3       S. [REDACTED] S; and JOHN and :  
4       MARY ELLEN S., on behalf :  
5       of their daughter, L. [REDACTED] :  
6       A. [REDACTED] S., a minor, :  
7       Plaintiffs :  
8                   vs. : Civil Action No. 04-150E  
9                   GIRARD SCHOOL DISTRICT; :  
10          ROBERT SNYDER, :  
11          Individually and in his :  
12          capacity as Principal of :  
13          the Rice Avenue Middle :  
14          School; and GREGORY :  
15          YARBENET, a professional :  
16          employee of the Girard :  
17          School District, :  
18                   Defendants : Jury Trial Demanded

19                   Deposition of WENDY G. [REDACTED], taken before and  
20          by Carol A. Holdnack, RPR, Notary Public in and for  
21          the Commonwealth of Pennsylvania, on Friday,  
22          September 23, 2005, commencing at 11:59 a.m., at the  
23          offices of Knox McLaughlin Gornall & Sennett, P.C.,  
24          120 West Tenth Street, Erie, PA 16501.

25          For the Plaintiffs:  
26                   Edward A. Olds, Esquire  
27                   1007 Mount Royal Boulevard  
28                   Pittsburgh, PA 15223

29          For the Defendants Girard School District and Robert Snyder:  
30                   Richard A. Lanzillo, Esquire  
31                   Knox McLaughlin Gornall & Sennett, P.C.  
32                   120 West Tenth Street  
33                   Erie, PA 16501

34                   Reported by Carol A. Holdnack, RPR  
35                   Ferguson & Holdnack Reporting, Inc.

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1 A. It seemed to be a month to two months after.

2 Q. After you spoke with Mr. Blucas, I understand that  
3 you then went to a School Board meeting.

4 A. Yes.

5 Q. And do you recall the date of the meeting?

6 A. No. But it was at the same time when they were  
7 trying to change kindergarten from half day to full day. So  
8 the media was there at that meeting because it was a big --

9 Q. That was a big issue.

10 A. -- big issue in Girard.

11 Q. You signed up to speak during the public comment  
12 section of the meeting; is that correct?

13 A. Yes.

14 Q. And do you recall what you stated that evening?

15 A. Yes. I said, I would like to know why the school  
16 is allowing my daughter to be exposed to pornography on  
17 Mr. Verga's computer in his classroom.

18 Q. Normally, during a public comment session there's  
19 no interplay between the speaker and the School Board.  
20 Usually, people can just give their comments, and then they  
21 move on eventually to the regularly-scheduled meeting. My  
22 question for you is, was there any interchange between you  
23 and the Board members during the meeting or even after the  
24 meeting? Did you talk with anyone?

25 A. There were two different meetings I went to, and

60a

1 they get a little mixed up.

2 Q. That's fair. Just tell me, the best you can  
3 remember, from the first one. And if you're not sure, just  
4 tell me that too, not sure whether it was the first or  
5 second.

6 A. They told me that I couldn't talk about that,  
7 right away. And that they would meet with me in private  
8 after the regular meeting.

9 Q. Right. When you say they couldn't talk with you,  
10 they couldn't respond to your public comments during the  
11 meeting itself?

12 A. Yes.

13 Q. All right. But they would meet with you  
14 afterwards to discuss your concerns.

15 A. Yes.

16 Q. All right. And did you meet with anyone after the  
17 meeting?

18 A. Yes.

19 Q. With whom did you meet?

20 A. I don't remember their names.

21 Q. Did you meet with members of the Board or with  
22 some other individuals?

23 A. The Board.

24 Q. Okay. Do you remember the names of any of the  
25 individuals with whom you met?

bla

1           A. Tramontano, maybe. I know I'm pronouncing that  
2 wrong.

3           THE WITNESS: What was it again?

4           A. I know I'm mispronouncing it. Tramontato or  
5 some --

6           MR. OLDS: Excuse me.

7           A. I don't remember the names.

8           MR. OLDS: In one of the exhibits we had, you  
9 know, we probably have the list of Board members.

10          MR. LANZILLO: Yes, I was looking for that.

11          MR. OLDS: If you want to show me those things.

12          And maybe we could show her that list, and she  
13          could look at a name. Could I see the exhibits.

14          Q. While Mr. Olds is looking for a list to refresh  
15 your recollection, do you recall any other names at this  
16 point, of individuals with whom you spoke after the meeting?

17          A. No. Because this would be the first time I had  
18 ever met these people.

19          Q. That's okay. I'm just asking.

20          (Discussion held off the record.)

21          Q. Ms. G\_\_\_\_\_, let me throw out some names to you,  
22 and you tell me if any of these jog your recollection. How  
23 about Marilyn Vargulich.

24          A. Yes.

25          Q. Was she one of the Board member with whom you

b2a

1 spoke after the meeting?

2 A. Yes.

3 Q. How about Doug Wright?

4 A. Yes.

5 Q. Geri Moryc?

6 A. Don't recall.

7 Q. You mentioned John -- is it Tramontano?

8 A. Yes.

9 Q. And how about Kelly Weidler?

10 A. Don't remember.

11 Q. So at least at this point, you remember for sure  
12 that you spoke with Mr. Wright, Mr. Tramontano, and  
13 Ms. Vargulich after this first Board meeting, to the best of  
14 your recollection.

15 A. Yes.

16 Q. All right. And did you explain to them what your  
17 daughter had told you?

18 A. Yes.

19 Q. And I guess you had done that at the meeting  
20 earlier as well; is that right?

21 A. During the meeting, they only let me get one  
22 sentence out before I was silenced.

23 Q. Oh, I see. So they said, okay, this is -- when  
24 you raised the issue, they told you that was a matter that  
25 should be addressed outside of the public meeting.

63a

1           A. Very sternly they told me that.

2           Q. Okay. And then they met with you privately. And  
3 did you share the information that your daughter had shared  
4 with you?

5           A. Yes, everything.

6           Q. And what did they say in response? And tell me  
7 who the speaker was, if you remember.

8           A. I don't remember who spoke. I don't believe they  
9 told me anything as far as what would be done or anything on  
10 that line.

11          Q. Did they tell you the matter would be -- that they  
12 would investigate the matter?

13          A. I don't know.

14          Q. Okay.

15          A. But, once again, I felt unsatisfied with what  
16 anyone had to tell me.

17          Q. Did you expect them to take any formal action  
18 against Mr. Verga at the meeting?

19          A. Well, not at that moment. But I had hoped they  
20 would look into it and something would be done about it.

21          Q. Do you know whether an analysis of Mr. Verga's  
22 computer was later done by an outside consultant?

23          A. Yes, later. Not when I asked. Not while he  
24 was -- not at that point. Nothing was done yet.

25          Q. And what is your understanding as to what action,

64a

1 if any, was taken against Mr. Verga by the School District?

2 A. At this point, nothing seemed to be done yet.

3 Q. Do you know whether anything was -- any action  
4 was, in fact, taken against Mr. Verga?

5 A. I don't understand the question.

6 Q. Do you know whether the School District, for  
7 example, prepared charges against Mr. Verga for immorality,  
8 among other things?

9 A. At this point, or at the end, or totally?

10 Q. At any point.

11 A. No, I don't believe anything was done. Except for  
12 asking him to resign.

13 Q. Do you know whether the School District took  
14 action to notify the Pennsylvania Board of Education  
15 regarding his misconduct?

16 A. No.

17 Q. Do you have any knowledge concerning the  
18 disposition of Mr. Verga's teaching certificate, his license  
19 to teach in Pennsylvania?

20 A. Someone had called me from the Board of Education  
21 and told me that they had revoked his license to teach in  
22 Pennsylvania.

23 Q. Do you know where the information came from upon  
24 which the Board of Education relied to revoke Mr. Verga's  
25 license?

65K

1 about attending a School Board meeting in early 1999. And  
2 then in Paragraph 9 you talk about your daughter. And,  
3 again, this is E█████ correct?

4 A. Yes.

5 Q. Your daughter E█████ giving you a list of other  
6 students who had seen Mr. Verga looking at pornography.

7 A. Correct.

8 Q. Do you recall the names of those students?

9 A. Lori -- this is not the student's name. The mom,  
10 the one mother's name was Lori. And she remarried, so I  
11 can't remember her last name. She was the manager of the  
12 All Aboard Diner in Girard.

13 Q. So her daughter?

14 A. Her son.

15 Q. Son. Okay.

16 A. There was a boy from Lake City, M█████. M█████ is  
17 the last name. I think the -- B█████, a girl. I'm trying to  
18 think of her first name. S█████ R█████ is the mom. I think  
19 that was most of them.

20 Q. Including E█████ that's four. Do you think  
21 there may have been more?

22 A. There might have been one or two more.

23 Q. Can't recall at this point, but that's possible?

24 A. Right. E█████ would be able to --

25 Q. Did E█████ indicate to you whether the other

65.1a

1 students had seen the material on Mr. Verga's computer at or  
2 about the same time that E. [REDACTED] had seen it?

3 A. Different days, different classrooms.

4 Q. Did you meet with the students, this group of  
5 students?

6 A. Yes.

7 Q. This was at your home?

8 A. Yes.

9 Q. And how many of the students were actually -- were  
10 actually there with you?

11 A. Two or three other students with their parents  
12 came over.

13 Q. Do you remember the names of the students who were  
14 at your home?

15 A. M. [REDACTED] Lori's son. I don't remember any other  
16 names.

17 Q. Did you or anyone, to your knowledge, circulate  
18 any type of a flyer regarding this matter?

19 A. Yes.

20 Q. I have a copy of it here somewhere, but.

21 MR. OLDS: Let's see if we can find that.

22 MR. LANZILLO: I don't need it. You can use it  
23 later if you like.

24 MR. OLDS: Okay.

25 Q. How did you distribute that flyer?

66a

1 A. On windshields of cars.

2 Q. Where? *SJM*

3 A. In Girard.

4 Q. Throughout the town, or?

5 A. Like maybe Giant Eagle parking lot, Brown Brothers  
6 parking lot.

7 Q. Do you remember when you distributed that flyer?

8 A. No. I had actually forgotten about it until you  
9 just mentioned it.

10 Q. Now, I understand that at some point some parents  
11 and yourself went to the second School Board meeting. Who  
12 else was with you at that second meeting, do you recall?

13 A. Judy S█████ who passed away, and her daughter.

14 And are you interested in people that their children weren't  
15 directly involved, or?

16 Q. Whoever accompanied you to the meeting.

17 A. Sandy D█████, and her son. My brother and his  
18 wife.

19 Q. Who is your brother?

20 A. Bob. Bob and Sheila S█████ My husband. There  
21 were a lot of friends and people.

22 Q. Were these all people with children in the Rice  
23 Avenue Middle School --

24 A. Yes.

25 Q. -- or in the District? And did you or anyone else

1 E. And he liked to call her L. when no one else  
2 did, because that was his wife's name.

3 Q. Well, what was your impression of Yarbenet before  
4 you learned that he had been arrested?

5 A. I thought he was very nice, very personable. All  
6 the kids liked him. He even helped me once at Buyers Fair  
7 in the parking lot put new wiper blades on my van.

8 Q. Did you go to school in Girard?

9 A. No.

10 Q. Did your sister?

11 A. Yes.

12 Q. Did she have Yarbenet?

13 A. I think so.

14 Q. Did she ever tell you anything that she observed?

15 A. No.

16 Q. Did you ask her?

17 A. No.

18 MR. LANZILLO: Those are all the questions I have.

19 Mr. Olds may have some questions.

20

21 CROSS-EXAMINATION

22 BY MR. OLDS:

23

24 Q. I am going to have a couple questions, Ms. G.  
25 The meeting that you had with Ms. DeMarco, she told you

67.1a

1 that -- what did she say about the discussion she had with  
2 your daughter, in the sense of telling your daughter about  
3 who -- whether to talk or not talk about this story? What  
4 did Ms. DeMarco tell you that she had said to your daughter?

5 A. She -- she admitted she told E█████ not to say  
6 anything. But when talking to me, she thought E█████  
7 understood that -- you know, that that didn't necessarily  
8 mean her parents, but, you know, she was directing it more  
9 towards other students.

10 Q. That's what she --

11 A. That's what she told me.

12 Q. -- that she hoped to convey to E█████.

13 A. Right.

14 Q. But E█████ told you that she was under the  
15 impression she shouldn't talk to anyone.

16 A. Right.

17 Q. Even you.

18 A. Right. And she was a very, very extremely  
19 obedient child.

20 Q. When E█████ first talked to you about it, how  
21 did that -- the neighbor told you about it. What do you  
22 recall in that first conversation you had with E█████?

23 A. When the neighbor called me up, E█████ was  
24 still at school. So when she came home from school, I asked  
25 her about it and right away. She said, yes, I did see that,

67.2a

1 and I was told -- I said, why didn't you tell me. And she  
2 said, I was told not to tell you. And I said, well, you  
3 don't keep something like that from your mother. And she  
4 said that she was just obeying, that she was told not to  
5 tell me. And that's about it.

6 Q. And did she say that at this time her friend --  
7 had her friend seen the pictures also, or was it just  
8 E. [REDACTED]?

9 A. Her friend did not see the pictures. She just  
10 confided in her friend.

11 Q. Okay. So her friend knew. And then this would  
12 have been when E. [REDACTED] was in fifth grade?

13 A. No, I believe it was sixth grade.

14 Q. Sixth grade. Okay. That's right. And then she  
15 would have had Mr. -- if she was in sixth grade, she would  
16 have had Mr. Verga and Mr. Yarbenet the same year; is that  
17 right? Because he was sixth grade science teacher.

18 A. I believe you're right. Because at one point when  
19 all this was going on and we were trying to get the school  
20 to listen to us, Mr. Yarbenet said to one of the girls in  
21 the hallway, you keep up the good work, you go get him, you  
22 know.

23 Q. Did he?

24 A. Um-hum.

25 Q. So you -- the first School Board meeting you

1 attended -- you attended two consecutive School Board  
2 meetings; is that right?

3 A. Yes.

4 Q. And do you know whether the question about all-day  
5 kindergarten, was that a topic of both School Board meetings  
6 or --

7 A. Both.

8 Q. It was the topic of both. Was there news media at  
9 either of the School Board meetings?

10 A. Yes.

11 Q. Now, at some point did you or any of the parents  
12 associated with you talk to the news media about this issue?

13 A. Yes. \*

14 Q. Would that have been at the second meeting?

15 A. I believe both.

16 Q. And so tell me why you had the meeting, after the  
17 first School Board meeting that you attended and you spoke  
18 to the School Board members, tell me why you asked other  
19 parents to come to your house.

20 A. I had asked them to come to my house because we  
21 had the news media coming as well. And I felt completely  
22 ignored by the school. And I felt nothing was being done.  
23 So as of going down the line from the principal, to the  
24 superintendent, to the School Board, and still feeling like  
25 nothing was being done, I thought I would make it public.

1 Q. And so there was news media at your house that  
2 night too?

3 A. Yes.

4 Q. From which -- was it newspaper or TV?

5 A. TV.

6 Q. And was there a -- was there a camera? Did you  
7 make the news?

8 A. Yes. Yes.

9 Q. You made the news.

10 A. Yes.

11 Q. And then after that you attended another School  
12 Board meeting with all these other parents; is that right?

13 A. I don't remember which came first.

14 Q. So you don't recall whether it was in the news --  
15 in the media before you attended the second meeting, or?

16 A. It probably was. The meeting probably was before  
17 the second School Board meeting, but I'm not.

18 Q. The meeting in your house?

19 A. Yes.

20 Q. But it might have been after?

21 A. Right.

22 Q. But at the second Board meeting, you weren't the  
23 only parent to attend that Board meeting.

24 A. Correct.

25 Q. About this issue.

68.1a

1           A. It was a full house at the Board meeting.

2           Q. And did anyone try to talk at that meeting before  
3 the meeting? In other words, did any -- did either you or  
4 the other parents make a presentation to the School Board  
5 before you had the private meeting afterwards? In the  
6 public part of the meeting, was there any efforts to discuss  
7 this matter?

8           A. I don't remember that.

9           Q. And you say that there was a packed house?

10          A. Yes.

11          Q. When you say that, how many parents do you think  
12 were there?

13          A. 30, 40. Extra chairs were brought in.

14          Q. Now, at some point, even before this second  
15 meeting, I think you testified that you had a conversation  
16 with Mr. Snyder, and you told him you didn't want your  
17 daughters in Mr. Verga's class anymore.

18          A. Correct.

19          Q. And do you recall what else was said in that? Did  
20 he say that he would accede to your request and remove your  
21 daughters from that class?

22          A. Yes. He seemed understanding and willing to take  
23 care of my request.

24          Q. In your affidavit, Paragraph No. 10, you made  
25 the state -- you made the statement that, "At the Board

68.2a

1 meeting one of the Board members called us a Bible-thumbing  
2 witch hunter. He accused us of using Nazi tactics." Is  
3 that an accurate statement?

4 A. Yes. That was -- now that I've heard some of the  
5 Board members' names, that was that Tramontano had said  
6 that.

7 Q. Okay. And --

8 A. He -- sorry. He did --

9 Q. Go ahead.

10 A. He did calm down shortly afterwards and apologized  
11 for saying that, but it had already been said.

12 Q. And was that in the public part of the meeting?

13 A. Yes.

14 Q. Okay.

15 A. He was upset that -- he was upset that we brought  
16 the media in on the whole issue.

17 Q. Mr. Lanzillo asked you about leaflets. And this  
18 was -- this was marked as part of the Deposition Exhibit 4  
19 in the Perhacs deposition. That was the fourth page of  
20 that. Have you ever seen that document before?

21 A. Yes, I have.

22 Q. It says, "To all Girard parents of middle school  
23 students. Are you aware that students at the middle school  
24 have seen a teacher viewing pornography during class on the  
25 Internet on several different occasions? A complaint has

68.3a

1 been made by some students and parents to the principal and  
2 superintendent. This teacher continues to sit in a  
3 classroom with our children. If you're a concerned parent,  
4 please contact your principal and superintendent and voice  
5 your opinion." Were you responsible for that, or what --

6 A. I was partially responsible for that.

7 Q. Tell me how it came about that that leaflet was  
8 prepared.

9 A. I talked with my friend Sandy D███████████, who is a  
10 mother of one of the students in the same grade, who was  
11 very concerned, as I was. And we came up with it together.  
12 I typed it. I printed it out.

13 Q. And I take it that you distributed it as well; is  
14 that right?

15 A. We both did.

16 Q. Do you recall in reference to these two Board  
17 meetings, when that was?

18 A. No. Definitely after the first, but I don't know  
19 if it was before or after the second.

20 Q. Up until the time of the second Board meeting, did  
21 anyone ever tell you that the School District was, in fact,  
22 investigating Verga?

23 A. I don't recall.

24 Q. Now, you indicated that when Mr. Yarbenet was  
25 arrested you picked up your daughters, and you wanted to

68.4a

1 talk to them before that hit the news; is that right?

2 A. Correct.

3 Q. And you said that they said that they knew? Or  
4 they knew that he was going to be arrested, or that they  
5 knew about him? I guess I didn't understand your answer.

6 A. They knew -- they were commenting that they knew  
7 S█████ was his girlfriend.

8 Q. Now, this was -- by this time your daughters were  
9 in the Girard Christian Alliance School; is that right?

10 A. Yes.

11 Q. Had they been friends with S█████ do you know?

12 A. No.

13 Q. They had not been friends.

14 A. No.

15 Q. But they told you that they knew she was his  
16 girlfriend?

17 A. Um-hum.

18 Q. You should say yes or no --

19 A. Yes. Sorry.

20 Q. -- so the court reporter --

21 A. Sorry.

22 Q. And did you ask them how they knew, or?

23 A. Yes.

24 Q. Tell me what they said.

25 A. They said, everyone knew, were their words. They

68.5a

1 said that S [REDACTED] was in his classroom at all possible times.  
2 She would get passes out of study hall to his classroom.  
3 She would be in his classroom when it was their class period  
4 even though it wasn't her class period. She would sit at  
5 his desk. She would be like a teacher's helper in his  
6 classroom. They said that kids would giggle and laugh and  
7 say, oh, there's Yarbenet's girlfriend. They referred to  
8 her as that.

9 Q. In your affidavit you mentioned that they talked  
10 to you about the storeroom next to Yarbenet's classroom.  
11 That's in Paragraph 15 of your affidavit.

12 A. Yes.

13 Q. What did they say about that?

14 A. Well, they said they would see S [REDACTED] and  
15 Mr. Yarbenet coming in and out of the storeroom,  
16 classroom -- storeroom, closet, or.

17 Q. Your affidavit says that the kids would giggle and  
18 joke about what was going on in the storeroom. Did they  
19 tell you about that also, your daughters?

20 A. Yes. The girls had said that, that kids would  
21 giggle and joke.

22 Q. Okay. In this period of time when -- after you  
23 went to Mr. Snyder about Mr. Verga, did you ever interact or  
24 have any encounters with Mr. Verga himself?

25 A. I tried to once. My friend Sandy D [REDACTED] was

68.6a

1 meeting with him about a different topic. And on the spur  
2 of the moment, I tried to invite myself to that meeting.  
3 And as we were in the office waiting for him to come out and  
4 meet with her, and I stood up as well and hoped to go in to  
5 meet with him too, and he stopped me and said that -- he  
6 very abruptly stopped me and said that he would not speak to  
7 me. So I left.

8 MR. OLDS: I don't have any other questions.

9 Thank you. Mr. Lanzillo might have a few other  
10 ones.

11 MR. LANZILLO: Just a couple.

12

13 REDIRECT EXAMINATION

14 BY MR. LANZILLO:

15

16 Q. You had mentioned that, I think it was the second  
17 Board meeting, there was a packed house at the Board  
18 meeting.

19 A. (Witness nods head.)

20 Q. Yes?

21 A. Yes. Sorry.

22 Q. That's all right. Do you know how the crowd broke  
23 down between people there on the kindergarten issue versus  
24 people there on the Verga issue?

25 A. It was probably 80 percent Verga issue, 20 for the

68.7a

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 S [REDACTED] S; and JOHN and :  
4 MARY ELLEN S., on behalf :  
of their daughter, L [REDACTED] :  
5 A [REDACTED] S., a minor, :  
Plaintiffs :  
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7 GIRARD SCHOOL DISTRICT; :  
ROBERT SNYDER, :  
8 Individually and in his :  
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9 the Rice Avenue Middle :  
School; and GREGORY :  
10 YARBENET, a professional :  
employee of the Girard :  
11 School District, :  
Defendants : Jury Trial Demanded  
12

19 For the Plaintiffs:

Edward A. Olds, Esquire  
1007 Mount Royal Boulevard  
Pittsburgh, PA 15223

2 For the Defendants Girard School District and Robert Snyder:  
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1 forwards a -- I guess a Board resolution authorizing charges  
2 to be brought against Mr. Verga; is that right?

3 A. Yes.

4 Q. Okay. And that's dated April 6, 1999. Do you  
5 recall before April 6th, 1999 at what point you were  
6 contacted by Mr. Blucas?

7 A. No, I don't. Obviously, it was before that. My  
8 guess is it would have been sometime in February or March.  
9 This is sort of the -- this document reflects sort of the  
10 end stage of our consideration of Mr. Verga and whether  
11 action should be taken. So this does not help me determine  
12 when he initially called me. My guess, and it's a  
13 speculation, would have been perhaps a month or more  
14 earlier, because it takes time to consider things and  
15 prepare these and so forth.

16 Q. In terms of taking a step like this, are you  
17 dealing with principally Mr. Blucas? Is that your contact  
18 person with the Board, or is there someone else at the  
19 Board?

20 A. It would have been exclusively Mr. Blucas.

21 MR. LANZILLO: Just for clarification, Mr. Blucas  
22 is the superintendent.

23 MR. OLDS: Superintendent, that's right.

24 Q. And so you would deal with the superintendent, as  
25 opposed to dealing with particular Board members; is that

1 right?

2 A. Correct.

3 MR. LANZILLO: Objection to form. I didn't get  
4 that in.

5 MR. OLDS: That's fine.

6 Q. Do you recall whether you spoke to anyone other  
7 than Mr. Blucas at the School District concerning -- well,  
8 prior to sending him this letter? And, specifically, I want  
9 to know if you spoke to Mr. Snyder, or Gayla DeMarco, or  
10 anyone else in the Administration, concerning Anthony Verga.

11 A. I have no recollection of speaking to anybody but  
12 Mr. Blucas about this matter.

13 Q. And Mr. Blucas would have provided you the  
14 information -- I take it that you did the charges which are  
15 part of Exhibit 2; is that right?

16 A. That's correct.

17 Q. Mr. Blucas would have provided you with the  
18 information that allowed you to prepare the charges.

19 A. Correct. Mr. Blucas and I undoubtedly had a  
20 number of conversations, probably in person and on the  
21 telephone, about Mr. Verga and how we ought to proceed.

22 Q. Now, the charges say that Mr. Verga on two days,  
23 December 18th [sic] and December 18th, attempted to access  
24 Internet sites that contained explicit sexual content. I  
25 take it those were school days; is that right?

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1           Q. And, again, looking at the date at the top, the  
2 press release is undated. But there's a fax impression,  
3 March 23, '99, Tuesday, at 11:23. Do you have any knowledge  
4 about how that date relates to when the press release was  
5 issued?

6           A. No, I really don't.

7           Q. The next item in Exhibit 4 is a confidential --  
8 there's confidential written at the top. It's to Tony Verga  
9 from Bob Snyder, dated December 18th, 1998. And are you  
10 familiar with this document?

11          A. I have seen it. It was provided to me along with  
12 all the things that the District sent to me.

13          Q. Now, you saw the document, but I think you  
14 indicated that you never spoke to Mr. Snyder about the  
15 factual background of this case.

16          A. I have no recollection of having spoken directly  
17 with Mr. Snyder about this matter.

18          Q. And what's your understanding of this  
19 December 18th, 1998 memo? First of all, do you know where  
20 it came from?

21          A. Well, it was provided to me by the District. And  
22 I am assuming that it is what it appears to be. It's  
23 something that Mr. Snyder wrote to Mr. Verga on  
24 December 18th, '98. And by way of background, Mr. Blucas  
25 would have provided it to me. Because I usually ask for all

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1 Q. There is a -- the next document is a newspaper --  
2 photocopy of a -- apparently, a letter to the newspaper.  
3 And there's a handwritten notation on it, 3/9/99, Morning  
4 News. Do you know where this document comes from?

5 A. From the newspaper, I assume. It looks like a  
6 copy of our local paper.

7 Q. Do you know whether this document is in your file?

8 A. I believe it is.

9 Q. So do you know whether it came from your file?

10 A. Again, I don't know how you got the document. You  
11 might find a copy of it somewhere at the District. I don't  
12 know. It's in mine.

13 Q. And do you recognize the handwriting there?

14 A. It's not mine, I don't think. I'm not sure whose  
15 it is.

16 Q. There's a blank sheet of paper. And then the next  
17 item is Mr. Verga's resignation; is that right?

18 A. It appears so.

19 Q. And then there's some handwritten notes.

20 A. Um-hum.

21 Q. Do you recognize whose notes those are?

22 A. This appears to be my handwriting.

23 Q. For all three pages, do you believe that to be  
24 your handwriting?

25 A. The blank sheet tucked in here. This appears to

1 be -- this appears to be some notes of mine.

2 Q. And these are undated, I take it.

3 A. Um-hum.

4 Q. Right?

5 A. Yeah. I could not tell you when this was written.

6 Q. The first reference are two -- are references to  
7 two names at the top of the first of the pages.

8 A. Um-hum.

9 Q. Can you read that for me.

10 A. Those are -- Joel Dieteman is the first one. And  
11 the second one looks like Chuck Dieteman. My handwriting,  
12 obviously, is not very good.

13 Q. Better than mine.

14 A. Those are, I believe, people associated with the  
15 consultants who examined the computer.

16 Q. Let's just go through these notes, and tell me --  
17 if you could read through them and, first of all, interpret  
18 them for me. And then if I have any questions, I'll ask  
19 them. Can you read the notes for me.

20 A. Best I can. December '98. Students went to  
21 DeMarco, who was a counselor, and said they saw things --  
22 not sure what the last three words are. Some of this, the  
23 copying isn't real good. Two went together. That would  
24 mean two students. Inadvertent is the next word. Class  
25 time. It looks like business or bus students assigned to

1 something staff. Students went to Bob Snyder, principal.  
2 Snyder confirmed. Verga said he was surfing. It was an  
3 accident. And then I have Snyder. And then that's a little  
4 arrow. I'm not sure what that means. Memo. Three months  
5 later flyers on cars. No complaints to Board or  
6 Administration. Seven students all said they saw it.  
7 Interviewed by -- BL would be Blucas, I think. Charges.  
8 Lying about accidental. Repeated negligence. Immorality.  
9 And I think the last one is misuse of school property. And  
10 first word, I don't know.

11 Q. This would be on the final page.

12 A. Final page. Something Verga. It looks like it  
13 starts with an A, but I'm not sure what it is. Number one  
14 says add time. Number two says Joel -- call Joel Dieteman  
15 at Softek and ask him if we can reconstruct other days. And  
16 number three says fill in dates of access, dash, lie to  
17 principal. Those were -- these would appear to be some  
18 notes relating to how the charges would be prepared.

19 Q. Okay.

20 A. I've read you what's on it.

21 Q. And then the one entry that says three months  
22 later, flyers on car, do you know if that's referring to the  
23 flyer that we've already talked about?

24 A. It would appear so. It would appear so.

25 Q. So is it safe -- I'm going to construe this note

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1 A. I received a phone call, and I don't recall the  
 2 lady's name, she was an adult that had went -- or was at  
 3 Pleasant Ridge Manor in the spring, I believe, it was 2001,  
 4 it was a field trip, some of our students had went down  
 5 there.

6 And she wanted to report that she felt uneasy  
 7 seeing Mr. Yarbenet and Ms. █████ sitting away from the  
 8 rest of the students at a picnic table during lunch that  
 9 day. She said that she did not see him touch her or do  
 10 anything inappropriate, but they were -- she just felt  
 11 uneasy because they were sitting side by side and talking  
 12 very close, and she just thought that it was strange to see.

13 Q. Did you ask the woman to identify herself?

14 A. At that point she did. Like I said, I don't  
 15 recall. I went over and I reported it to Mr. Snyder.

16 Q. Okay. We had identified -- let me see if I can  
 17 find it. Do you recall anything else that this lady told  
 18 you other than what you've related today?

19 A. No. To the best of my recollection, that was it.

20 Q. And did she tell you that what she had observed  
 21 had made her upset?

22 A. Yes.

23 Q. And did she say that they were acting like  
 24 boyfriend and girlfriend?

25 A. I couldn't recall if that's her exact words, but

1 A. Correct.

2 Q. Did Mr. Snyder say anything about S████ when you  
 3 told him that, you know, someone called me about -- and said  
 4 that Yarbenet and S████ were sitting apart and sitting on  
 5 the same side of the table and it made the lady feel sort of  
 6 nervous, did Mr. Snyder indicate that he knew S████ or knew  
 7 of her?

8 A. He would have -- you know, being a student, he  
 9 knew most of the students in the school, but I don't what he  
 10 said.

11 Q. But you didn't know her; did you?

12 A. To recall her now, no. But back in school, like I  
 13 said, I really had no interaction with her.

14 Q. Would it be possible that you might -- not -- that  
 15 you might not even know -- associate her face with her name?

16 A. Correct.

17 Q. So tell me what you recall about the meeting with  
 18 Mr. Yarbenet.

19 A. Mr. Snyder explained to him that I had received a  
 20 phone call about the class trip. And then he asked me to --  
 21 I believe he asked me to tell Mr. Yarbenet what the lady had  
 22 said and he wanted Mr. Yarbenet's explanation of what  
 23 happened.

24 Q. And what did Mr. Yarbenet say?

25 A. He said that he and the █████ family were

1 It made her feel uneasy that they were sitting side by side.  
 2 Q. Who was the sexual harassment officer at the  
 3 school at that time?

4 A. That would have been myself.

5 Q. Can you tell me what training you had concerning  
 6 sexual harassment?

7 A. Really, none.

8 Q. Okay. So the lady called you; do you know why the  
 9 lady called you?

10 A. No, I don't.

11 Q. Was it Cynthia S████?

12 A. I -- honestly, I can't recall.

13 Q. And so you went and talked to Mr. Snyder about it.

14 A. Correct.

15 Q. Tell me what Mr. Snyder said to you.

16 A. He said we need to get Mr. Yarbenet down and have  
 17 a meeting right away, and we did.

18 Q. And I suppose that you related to Mr. Snyder the  
 19 content of the conversation that you had with the lady?

20 A. Correct.

21 Q. And did you meet with Mr. Yarbenet that same day?

22 A. I can't recall if it was that afternoon or the  
 23 next morning.

24 Q. But it was -- the lady had specifically mentioned  
 25 the student that she was concerned about was S████?

1 friends outside of school and that S████ was like a -- he  
 2 considered her a confidant. She helped him get over the  
 3 death of his first wife, she listened to him as he spoke  
 4 about it, and that's what he was doing that day.

5 Q. Did that seem like a preposterous story to you?

6 A. It -- I wouldn't have done that. I wouldn't have  
 7 had a young student be a confidant to me, no.

8 Q. I mean, did that raise any flags in your head that  
 9 the teacher on any level was having an inappropriate  
 10 relationship with this student?

11 A. It was definitely different, yes.

12 Q. Teachers don't necessarily have a right to impose  
 13 their psychological traumas and burdens on students; do  
 14 they?

15 A. They shouldn't, no.

16 Q. Did Mr. Yarbenet say anything else that day?

17 A. No. He -- well, he just said there was nothing  
 18 inappropriate going on and basically that S████ was his  
 19 close friend, and she just listened to him when he was going  
 20 through the grieving process about his wife. And that's  
 21 about the best I can recall him saying.

22 Q. Did you understand when his wife died?

23 A. That happened before I came to Girard.

24 Q. Did you ever meet his new wife?

25 A. Yes, I did.

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1 Q. And did he have a son?  
 2 A. Yes.  
 3 Q. Who was the mother of his son, the new wife or the  
 4 old wife?  
 5 A. I'm not positive. I thought it was the second  
 6 wife, but I'm not sure though.  
 7 Q. So the first wife must have died some time ago  
 8 because the son was 11 or 12 at that time, right?  
 9 A. At that time, I believe he was in 6th grade -- or  
 10 he ended up -- when I -- when he left, when Mr. Yarbenet  
 11 left, I believe his son would have been in about 7th grade,  
 12 somewhere in there.  
 13 Q. After Mr. -- you confront Mr. Yarbenet with the  
 14 statement made by the lady who called you and Mr. Yarbenet  
 15 gives his defense, what's going on, what was said after  
 16 that? Did anyone else talk at the meeting?  
 17 A. Mr. Snyder just -- he told Mr. Yarbenet, you know,  
 18 he should be careful because to people that don't know him  
 19 or, you know, S. It does not look good and he should not  
 20 put himself in that position.  
 21 Q. So Mr. Snyder told him to be careful?  
 22 A. Yeah, the best that I can recall. And he was not  
 23 to be, you know, in that position anymore.  
 24 Q. Was there any suggestion that you call S.  
 25 mother and tell S. mother what the lady had said to

1 about a 12-or-13-year-old girl being his confidant for his  
 2 psychological problems; Is that right?  
 3 A. True.  
 4 Q. By any chance, after that meeting, did you have  
 5 any conversations with any teachers to see if the teachers  
 6 had observed anything inappropriate concerning Yarbenet's  
 7 relationship with S.  
 8 A. Not that I recall, no.  
 9 (McClelland Deposition Exhibit No. 1 marked for  
 10 identification.)  
 11 Q. I'm going to mark this as Exhibit No. 1.  
 12 Mr. McClelland, you've probably never seen this, this is the  
 13 police report that was generated in this case as a result of  
 14 the police investigation. Maybe I shouldn't assume that  
 15 you've never seen it, but have you ever seen it before?  
 16 A. I don't believe so, no.  
 17 Q. Can you look at the document -- you can look at --  
 18 take your time looking through this, if you want, I'm going  
 19 to direct -- I'm going to ask you some questions from  
 20 information that's on 1080, it's stamped here at the bottom,  
 21 1080; but you can take as much time as you want looking  
 22 through the document.  
 23 A. (Witness reviews document.)  
 24 Q. Have you had a chance to look at that?  
 25 A. (Witness nods head.)

1 you?  
 2 A. I don't recall if he told me to do that or not.  
 3 Q. You didn't call S. mother; did you?  
 4 A. Not that I recall, no.  
 5 Q. You didn't call S. father?  
 6 A. No.  
 7 Q. And it was your impression, and I take it from  
 8 this meeting, that what Ms. S. was saying was that she  
 9 was telling you that she had perceived the activities  
 10 between Yarbenet and S. he was too close to her. I  
 11 mean, it wasn't what a teacher would -- it wasn't conduct  
 12 that you would think a teacher would engage in; is that  
 13 right?  
 14 MR. DEVLIN: Object to the form, it assumes  
 15 facts --  
 16 MR. OLDS: Just let him answer the question.  
 17 Q. Is that right, Mr. McClelland?  
 18 A. Because they were sitting side by side it made her  
 19 feel uneasy.  
 20 Q. But that Yarbenet was doing something that a  
 21 teacher shouldn't be doing, that's what upset her; is that  
 22 right?  
 23 A. She thought it was strange that he was sitting  
 24 that close.  
 25 Q. And you thought it was strange that he talked

1 Q. I wanted to, I guess in particular, refer you to  
 2 the part where Ms. Seneta was interviewed. I think you said  
 3 that -- I forget whether you said that you knew Mr. Seneta  
 4 before you came here.  
 5 A. It was -- it's not her husband.  
 6 Q. It's a different Seneta?  
 7 A. Yeah. She's married to this -- Mr. Seneta that  
 8 was a teacher at the school, she's married to, I believe,  
 9 it's his cousin.  
 10 Q. I guess my question is: Did Ms. Seneta ever have  
 11 any conversations with you in which she reported to you that  
 12 she had seen things that made her uncomfortable?  
 13 A. Not that I recall with her having a conversation  
 14 with me, no.  
 15 Q. Okay. You indicated, I guess, that after the  
 16 meeting with Yarbenet, you didn't call S. mother or  
 17 father, right?  
 18 A. Correct.  
 19 Q. And you didn't investigate, you didn't talk to any  
 20 other teachers or any other professionals to see if they had  
 21 observed anything inappropriate with Yarbenet; is that  
 22 right?  
 23 A. As best as I can recall, correct.  
 24 Q. You said that you might have been involved in  
 25 another conversation with Yarbenet and Snyder; remember

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 S~~T~~ S; and JOHN and :  
4 MARY ELLEN S., on behalf :  
of their daughter, L~~T~~ :  
A~~T~~ S., a minor, :  
5 Plaintiffs :  
6 vs. : Civil Action No. 04-150E  
7 GIRARD SCHOOL DISTRICT; :  
ROBERT SNYDER, :  
8 Individually and in his : HONORABLE SEAN J. McLAUGHLIN  
capacity as Principal of :  
9 the Rice Avenue Middle :  
School; and GREGORY :  
10 YARBENET, a professional :  
employee of the Girard :  
11 School District, :  
Defendants : Jury Trial Demanded  
12

13

14 Deposition of ROBERT SNYDER, taken before and  
15 by Carol A. Holdnack, RPR, Notary Public in and for  
the Commonwealth of Pennsylvania, on Friday,  
16 April 8, 2005, commencing at 10:00 a.m., at the  
offices of Knox McLaughlin Gornall & Sennett, P.C.,  
17 120 West Tenth Street, Erie, PA 16501.  
18

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Reported by Carol A. Holdnack, RPR  
Ferguson & Holdnack Reporting, Inc.

<p style="text-align: right;">Page 26</p> <p>1 Q. What do you recall?      2 A. I recall Mrs. Seneta saying that she had seen      3 Stacy in Mr. Yarbenet's room on some occasions.      4 Q. Alone?      5 A. Alone.      6 Q. And did -- do you recall her saying anything about      7 the two were very close?      8 A. I do not.      9 Q. You observed those two together, didn't you?      10 A. What two?      11 MR. LANZILLO: Stacy and Yarbenet?      12 Q. Stacy and Yarbenet. You observed them together,      13 didn't you?      14 A. I do not recall seeing them together just the two      15 of them.      16 Q. Well, for instance, you would observe Yarbenet      17 walking Stacy home after school, wouldn't you?      18 A. I myself observed that once.      19 Q. And what were they doing?      20 A. Walking.      21 Q. And where were they walking?      22 A. On Rice Avenue.      23 Q. And how far from the school?      24 A. Just within a block or two.      25 Q. And where were you when you observed it?</p>	<p style="text-align: right;">Page 28</p> <p>1 A. No.      2 Q. Now, the police report -- did you ever see      3 Yarbenet with Stacy in the hallways?      4 A. Not that I recall.      5 Q. What about with Leigh Ann, did you ever see      6 Yarbenet talking and walking with Leigh Ann in the hallways?      7 A. Not that I recall.      8 Q. Did you ever see him with students in the      9 hallways?      10 A. Yes.      11 Q. What was his demeanor?      12 MR. LANZILLO: When?      13 Q. When you saw him with students in the hallways.      14 A. Well, generally, I would see him in the hallway      15 with students during class change. And all the teachers are      16 to be out in the hall at that time. So they're just      17 monitoring at that time.      18 Q. Okay. You never saw him walking with students in      19 the hallways; is that right? Walking with girl students in      20 the hallways, you never saw that?      21 A. No.      22 Q. And you never saw him -- did you ever see him hug      23 girl students?      24 A. Not that I recall, no.      25 Q. Was it a violation of any policy that you know of</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Driving on Rice Avenue.      2 Q. And did it occur to you that there might be      3 something wrong with that situation?      4 A. No.      5 Q. Why not?      6 A. Because I had seen Mrs. Shaffer pick up      7 Mr. Yarbenet at Rice Avenue Middle School previous to that.      8 And I -- Mr. Yarbenet had told me that he was getting rides      9 home from Mrs. Shaffer at Elk Valley, and that he would walk      10 there.      11 Q. When did he tell you that?      12 A. I cannot put a date on it.      13 Q. Then was he walking -- did he tell you that he was      14 walking with Stacy?      15 A. No, he said that he was walking to Elk Valley to      16 get a ride with Mrs. Shaffer.      17 Q. You never talked to Mrs. Shaffer to see whether it      18 was okay with her for Yarbenet to be alone with Stacy, did      19 you?      20 A. No.      21 Q. Did you ever talk to Stacy's father?      22 A. No.      23 Q. Did you ever talk to Leigh Ann's mother or father      24 about whether it was appropriate for her to be with Yarbenet      25 alone?</p>	<p style="text-align: right;">Page 29</p> <p>1 for a middle school teacher to hug a female student?      2 MR. LANZILLO: Objection to form. Go ahead.      3 A. Not that I know of.      4 Q. Do you recall Ms. Seneta saying to the police that      5 when she would come into Yarbenet's room and Yarbenet was      6 there with Stacy, that she felt she was interrupting      7 something?      8 A. I do not recall her saying that.      9 Q. Do you recall her saying anything like that?      10 A. I recall her saying that there were times when she      11 would go into the closet from her side of the room and find      12 them in there.      13 Q. Okay. Were there security cameras in the school?      14 A. Yes.      15 Q. Where were they located?      16 A. In the hallways and the entrances.      17 Q. Was there a security camera near the TV studio?      18 A. No.      19 Q. There was a security camera in the hallway. Was      20 there one near Yarbenet's room?      21 A. Yes.      22 Q. Were you able to view what the security cameras      23 depicted from your office? In other words, did you have a      24 monitor?      25 A. Yes.</p>

8 (Pages 26 to 29)

<p style="text-align: right;">Page 50</p> <p>1 Q. Looking at Page 3 of this document under the 2 Guidelines. By the way, did you have any -- you don't have 3 anything to do with the adoption of this policy; is that 4 right?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Under the Guidelines it says that, quote, 7 "False accusations will result in disciplinary action," end 8 quote. As principal --</p> <p>9 A. Excuse me, I'm not seeing where you are.</p> <p>10 Q. It's under -- see under enforcement?</p> <p>11 A. Okay.</p> <p>12 Q. The second paragraph there. "Given the nature of 13 this type of discrimination" --</p> <p>14 A. Okay. Yes.</p> <p>15 Q. -- "the District also recognizes that false 16 accusations of sexual/unlawful harassment can have serious 17 effect on innocent employees and students. Therefore, false 18 accusation will result in disciplinary action," end quote.</p> <p>19 A. Yes.</p> <p>20 Q. As a principal at Girard Area School District, did 21 you ever receive an accusation from any source that there 22 was sexual harassment going on?</p> <p>23 A. No.</p> <p>24 Q. Did you ever receive an accusation or report that 25 there was inappropriate sexual activity or conduct going on?</p>	<p style="text-align: right;">Page 52</p> <p>1 harassing them or other staff were harassing them? 2 A. Not that I'm aware of, no.</p> <p>3 Q. I think it was your testimony -- and if I say this 4 wrong, I want you to correct me.</p> <p>5 A. Okay.</p> <p>6 Q. But this is what I -- this is sort of what I guess 7 filtered out of what you said. It was your testimony that 8 you never talked to any staff member after Yarbenet was 9 arrested about what he had done; is that right?</p> <p>10 A. Correct.</p> <p>11 Q. And by staff member, I mean faculty of Rice Avenue 12 Middle School.</p> <p>13 A. Correct.</p> <p>14 Q. What about other staff, like Greg Senyo, did you 15 ever talk to him afterwards?</p> <p>16 A. No.</p> <p>17 Q. Any other staff?</p> <p>18 A. No.</p> <p>19 Q. And who was the -- in that time frame, 2002, who 20 was the principal at the high school?</p> <p>21 A. Randy Newson.</p> <p>22 Q. And did you talk to Mr. Newson about it at all?</p> <p>23 A. No.</p> <p>24 Q. And Wally Blucas was there that morning when 25 Yarbenet was arrested?</p>
<p style="text-align: right;">Page 51</p> <p>1 A. No.</p> <p>2 Q. Did you ever receive -- we've heard that there was 3 an employee, his name was Varga (sic).</p> <p>4 A. Verga.</p> <p>5 Q. Verga.</p> <p>6 A. Yes.</p> <p>7 Q. Who was disciplined in some fashion. What do you 8 know about Verga?</p> <p>9 A. He was looking at pornographic sites on his School 10 District computer.</p> <p>11 Q. And did that come to your attention?</p> <p>12 A. Yes.</p> <p>13 Q. And how did --</p> <p>14 A. Through Mr. McClelland.</p> <p>15 Q. Okay. So Mr. McClelland, what, observed it at 16 some --</p> <p>17 A. No, a student reported it to Mr. McClelland.</p> <p>18 Q. And who investigated that situation?</p> <p>19 A. Mr. Blucas.</p> <p>20 Q. To your knowledge, did Mr. Blucas investigate any 21 other employee who was assigned to the Rice Middle School, 22 Rice Avenue Middle School, about sexual harassment?</p> <p>23 A. Not that I'm aware of, no.</p> <p>24 Q. To your knowledge, was there ever any reports or 25 complaints from students saying that either peers were</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Well, again, I don't know that he was arrested.</p> <p>2 Q. He was taken out of the school.</p> <p>3 A. Correct.</p> <p>4 Q. Did you ever talk to Wally Blucas about that 5 situation after Yarbenet was taken out of the classroom? I 6 mean, out of the school.</p> <p>7 A. About what situation?</p> <p>8 Q. About Yarbenet, and what he had done in the 9 school.</p> <p>10 A. Mr. Blucas met with me again the next day, just as 11 an update, to see how we were going to have the classes 12 covered, that sort of thing. But not regarding anything 13 that was pertinent to the allegations.</p> <p>14 Q. And it's also -- and I want to just make sure that 15 we cover Mr. McClelland --</p> <p>16 A. Okay.</p> <p>17 Q. -- in that situation too. Did you have any 18 conversations with him about that?</p> <p>19 A. No.</p> <p>20 Q. So you and Mr. Blucas and Mr. McClelland never 21 engaged in a colloquy about, how could this have happened 22 and us not be aware of it?</p> <p>23 A. No.</p> <p>24 Q. Do you think that you might have learned anything 25 if you had engaged in such a discussion?</p>

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Kimberly Jenke

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3      S. S; and JOHN and :  
4      MARY ELLEN S., on behalf :  
5      of their daughter, L. :  
6      A. S., a minor, :  
7      Plaintiffs :  
8      :  
9      vs. : Civil Action No. 04-150E  
10     GIRARD SCHOOL DISTRICT; :  
11     ROBERT SNYDER, : HONORABLE SEAN J. MC LAUGHLIN  
12     Individually and in his :  
13     capacity as Principal of :  
14     the Rice Avenue Middle :  
15     School; and GREGORY :  
16     YARBENET, a professional :  
17     employee of the Girard :  
18     School District, :  
19     Defendants : Jury Trial Demanded

15                   Deposition of KIMBERLY A. JENKE, taken before and  
by Carol A. Holdnack, RPR, Notary Public in and for  
the Commonwealth of Pennsylvania, on Tuesday,  
16                   June 28, 2005, commencing at 10:19 a.m., at the  
offices of Knox McLaughlin Gornall & Sennett, P.C.,  
17                   120 West Tenth Street, Erie, PA 16501.

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	Page 6		Page 8
1    with Gregory Yarbenet.		1    And the door would be either closed completely or ajar a	
2    A. I didn't have any contact with Greg.		2    small amount.	
3    Q. Were you ever in his classroom?		3    Q. And did you observe this frequently?	
4    A. No.		4    A. Several times. I don't know if I would call it	
5    Q. Did you have your own classroom?		5    frequently, but, yeah, several times. It was not a one --	
6    A. No.		6    one occasion.	
7    Q. You went to other classes --		7    Q. And how would you know that the -- all the other	
8    A. I went to other classrooms with a student.		8    students had left?	
9    Q. Okay. But none of your students were in		9    A. Because I actually saw them coming out alone at	
10   Yarbenet's class?		10   one point.	
11   A. No.		11   Q. You saw S. and Yarbenet coming out alone?	
12   Q. What grade students did you have?		12   A. Correct.	
13   A. Well, life skills was actually an age. And I		13   Q. Okay. Now, was there anything else that you	
14   think they started at age 12 and went to 15, but I'm not		14   observed that concerned you?	
15   positive.		15   A. I would see him several times watching her walk	
16   Q. Okay. And then the learning support?		16   down the halls, going up staircases. And just always seemed	
17   A. I actually worked with that student for a half a		17   to be watching.	
18   year, and he was actually in fifth grade.		18   Q. Did you -- apparently -- do you know what period	
19   Q. So that was one student?		19   of time elapsed over which you developed this concern or	
20   A. Correct.		20   made these observations?	
21   Q. The life skills, was that one student or more than		21   A. I was in that homeroom when this child was in	
22   one student?		22   seventh and eighth grade. Okay. She -- like I said, life	
23   A. I worked with 13 students. There were, I think,		23   skills goes with age. She is now 18, 19. She turned 19 in	
24   five aides and the teacher.		24   April. So she would be a senior. So this was four, five,	
25   Q. Okay.		25   six years ago when she was in seventh and eighth grade.	
	Page 7		Page 9
1    A. And there were 13 students.		1    Q. So this would be probably -- according to your	
2    Q. Okay. At some point did the -- did you -- did you		2    recollection, it might be the 1999 and 2000 year. If this	
3    have observations of Yarbenet and S. that disturbed you		3    is 2005 --	
4    or upset you?		4    A. If this is 2005, it might have even been '98,	
5    A. Yes.		5    Q. Okay.	
6    Q. Tell me how it came about that you had those		6    A. '99.	
7    observations.		7    Q. Okay. And did you know -- did you know S. at	
8    A. I went to a homeroom with one of the students.		8    all?	
9    And her homeroom was actually with Jean Verdecchia, which is		9    A. No.	
10   the music teacher. And the -- Greg Yarbenet had the video		10   Q. Okay. So what you observed was Yarbenet with a	
11   studio for the announcements on the -- in a classroom -- I'm		11   young girl alone in a room.	
12   sorry, that's my phone.		12   A. Correct.	
13   Q. Oh, is it?		13   Q. Okay. And did you observe that -- a situation	
14   A. Yeah.		14   over a long period of time? I mean, you said that you were	
15   Q. I have mine on vibrate too.		15   in this homeroom for two years, right?	
16   A. I'm sorry. I didn't think it would be that loud.		16   A. Correct.	
17   Q. That's all right.		17   Q. Ms. Verdecchia.	
18   A. But the video studio was connected with the music		18   A. Verdecchia.	
19   room. And I observed some things that made me very		19   Q. Verdecchia. And would you observe that situation	
20   uncomfortable at that time.		20   from time to time over that entire time span?	
21   Q. What did you -- specifically, what did you		21   A. Yes.	
22   observe?		22   Q. Okay. Did you observe anything that made you --	
23   A. My biggest concern was when everyone else would		23   okay. You knew that they were alone. And you observed the	
24   leave the video studio, and Greg and S., which I did not		24   way Yarbenet would watch S.	
25   know her name at the time, would be in the studio alone.		25   A. Um-hum.	

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Kimberly Jenke

<p style="text-align: right;">Page 10</p> <p>1 Q. And when you saw him watch S [REDACTED] was he near his 2 classroom?</p> <p>3 A. At one point I remember him being in his classroom 4 outside the door, which all the teachers were supposed to be 5 in the hallway during change of class anyway. So teachers 6 being in the hallway was not unusual. So one time I did 7 observe him outside his classroom. And I remember one time 8 the -- there was a staircase by the projection room, or 9 whatever you want to call that, that video room. And I 10 remember him watching her as she walked up the steps and 11 went into the next story, which would be the second floor.</p> <p>12 Q. Okay. And that made you nervous, the way he 13 looked at her?</p> <p>14 A. Oh, yes.</p> <p>15 Q. Describe what -- to the best that you can, could 16 you describe -- I mean, his look or his conduct.</p> <p>17 A. It wasn't -- you know, I always tell my husband 18 it's a feeling I get. And I have found over the years, 19 especially as I'm growing older, that that means something.</p> <p>20 Okay.</p> <p>21 Q. Okay.</p> <p>22 A. And it's just a sick feeling that I got. And it 23 was just -- it's not really something that you can describe. 24 Some people may see it and say there's -- so what, it's not 25 a big deal, it's a teacher watching students walk down the</p>	<p style="text-align: right;">Page 12</p> <p>1 opinion than anything. And I don't get into he said/she 2 said. That's not something that I've ever done.</p> <p>3 Q. Okay.</p> <p>4 A. And that's what I would feel that I was doing now.</p> <p>5 Q. Okay. In a case like this, one of the reasons 6 that we do discovery, and this is the discovery phase of the 7 case, is that we're looking for not only what you know but 8 potentially what other people -- what you know that other 9 people might know so that maybe we could talk to those other 10 people. We're going to be deposing, I think, Ann Mathews 11 here today. Do you recall what she said?</p> <p>12 A. I would just say that all of us felt uncomfortable 13 with his look. He just had a demeanor about him that made 14 us all uncomfortable.</p> <p>15 Q. Okay. And you indicated that you went to 16 Mr. Snyder.</p> <p>17 A. Correct.</p> <p>18 Q. Did any of the other aides indicate to you that 19 they thought that they might go to Mr. Snyder, or?</p> <p>20 A. I don't remember for sure if they had said they 21 went to him or not.</p> <p>22 Q. Okay. And do you remember what time of the year 23 you went to Mr. Snyder?</p> <p>24 A. No.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 11</p> <p>1 hall. It was my feeling that I got in the pit of my stomach 2 knowing that there was something amiss.</p> <p>3 Q. Okay. Did you talk to any other staff members 4 about this?</p> <p>5 A. I went to Mr. Snyder about it.</p> <p>6 Q. Okay. Did you -- before I get to that, did you 7 talk to, for instance, Ms. Verdecchia or any of the other 8 staff members?</p> <p>9 A. I talked to some of the aides in the classroom 10 about it.</p> <p>11 Q. Do you remember which aides you talked to?</p> <p>12 A. Well, the aides that were in there would be Ann 13 Mathews, Wendy Cook, and Sarah Clawson.</p> <p>14 Q. Okay. And would you talk to them on one occasion 15 or more than one occasion?</p> <p>16 A. Oh, more than one occasion, yeah. We talked 17 several times about the way that Greg was.</p> <p>18 Q. Did they have their own observations of --</p> <p>19 A. Yes.</p> <p>20 Q. Can you recall some of the things that they 21 observed.</p> <p>22 A. I would prefer not to comment on what they had 23 said.</p> <p>24 Q. And that's because you can't remember or --</p> <p>25 A. Well, because we talked, and it was more an</p>	<p style="text-align: right;">Page 13</p> <p>1 A. I mean, knowing myself, I would go to him like 2 right away.</p> <p>3 Q. Okay.</p> <p>4 A. Okay. I'm assuming it was when this child that I 5 had was in seventh grade.</p> <p>6 Q. Okay. And so -- and you -- before we get to 7 Mr. Snyder. There was talk among the aides, and you weren't 8 the only one to observe that something was improper. Some 9 of the other aides apparently were upset or at least 10 concerned as well.</p> <p>11 MR. LANZILLO: Objection to the form of the 12 question. You can go ahead and answer.</p> <p>13 Q. Did any of the other aides express concern to you?</p> <p>14 A. Like I said, we all had an uneasy feeling about 15 Greg. He just gave us the creeps, all of us. We tried to 16 stay away from him.</p> <p>17 Q. Okay. And so at some point you went and talked to 18 Mr. Snyder. To the best of your recollection, tell me what 19 you said to Mr. Snyder and what happened in that 20 conversation.</p> <p>21 A. I went to him when I had -- when I saw that that 22 door was closed. And I had seen S [REDACTED] and Greg come out of 23 it. Okay. And I told him that that's just -- it was weird, 24 a teacher should not be doing that. And then I told him 25 about observing how Greg would watch her, and how it made me</p>

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<p style="text-align: right;">Page 14</p> <p>1 feel. And he told me to write it all down. I have not been 2 able to find that statement that I wrote for him.</p> <p>3 Q. Did you write a statement? 4 A. I did. 5 Q. And did you give it to Mr. Snyder? 6 A. I did. 7 Q. Okay. And how long was it? Was it a page, or? 8 A. Oh, it was probably two paragraphs. Just what I 9 had observed, at what time of day. Just the basics, which 10 was not unusual for me. You know, I mean, you do that when 11 you make an accusation, as I felt I was doing. 12 Q. Okay. 13 A. Okay. 14 Q. And what you said in that letter was what you're 15 saying here today. That you had observed them alone behind 16 closed doors. And did you also say in the letter that you 17 had observed Yarbenet looking at S. In the manner that 18 made you feel uncomfortable? 19 A. Yes. 20 Q. Okay. So you had a meeting with Mr. Snyder, and 21 you expressed those thoughts to him. 22 A. Correct. 23 Q. Is that right? And then he told you to put it in 24 writing. 25 A. Correct.</p>	<p style="text-align: right;">Page 16</p> <p>1 don't remember exactly when I went to him, but, yes, it did 2 continue. But we were told -- and as a parent, I'm sorry, 3 but if I say I know what's going on, this is my child, I 4 feel that that was the end of it. I mean, the parents were 5 aware. 6 Q. Okay. Well, and then Yarbenet -- were you in this 7 school when Yarbenet was suspended and he -- did you learn 8 that he was eventually arrested? 9 A. I was not in the School District at that time, no. 10 Q. So you had left by that time. 11 A. Correct. 12 Q. Had you -- did you -- in terms of the observations 13 that you made, you talked to aides. Did you ever talk to 14 any of the faculty members to see if they had observed 15 anything? 16 A. No. 17 Q. For instance, did you know Mrs. Seneta? 18 A. No. 19 Q. Mrs. Werling? 20 A. Well, I knew them. I was in a couple of their 21 classrooms. But, no, I never went to any other -- 22 Q. Okay. 23 A. -- any other staff. I mean, the aides and I 24 talked, but that was the extent of it. 25 Q. Did you ever hear any students talking?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Is that right? And then you put it in writing. 2 A. Yes. 3 Q. Did you have any more meetings with him about it? 4 A. At a later date I did, because I did not feel -- I 5 mean, I wrote it down. It was out of my hands. But at a 6 later date I did see S. and Greg at Wal-Mart. And they 7 were -- it was just the two of them. And so I went to 8 Mr. Snyder again. And I had said something to him. 9 Q. About that -- 10 A. About that observation. 11 Q. -- observation? 12 A. Yes. 13 Q. Okay. 14 A. And at that time he told me that he had talked 15 with the mother. And that she had told him that Greg was 16 mentoring S. and that she was well aware of their 17 relationship and did not have a problem with it. 18 Q. Okay. 19 A. And he said the School District -- their hands 20 were tied if the mother did not have a problem with it. 21 Q. Okay. Okay. And then do you remember if you 22 observed anything that you thought that made you 23 uncomfortable after that second conversation? 24 A. Oh, yes. I mean, this went on for the two years 25 that I remember being in this homeroom. Like I said, I</p>	<p style="text-align: right;">Page 17</p> <p>1 A. No. 2 Q. Okay. Did Ann Mathews -- she had -- did you know 3 that she had a daughter who was in S. class? 4 A. I knew that she had daughters. As far as being in 5 S. class, no. 6 Q. Okay. And so after the disclosure and Yarbenet 7 was arrested -- I assume that you heard that publicity, 8 right? 9 A. Yes. 10 Q. Did you ever -- after that point, did you ever 11 talk to anyone at the School District about your 12 observations? 13 A. I talked with Wendy Cook right after I heard about 14 the arrest. 15 Q. Who is Wendy Cook? 16 A. She is one of the other aides in the classroom. 17 Q. Okay. Oh, that's right, you gave me her name. 18 A. And I asked her if she knew anything. And she 19 said that it was the accusation against S. 20 Q. Okay. So when the news broke, you didn't know 21 which student it pertained to? 22 A. No, I did not. 23 Q. And then you found out that it was S. 24 A. Correct. 25 Q. Okay. Did you ever see Yarbenet with his hands on</p>

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1     Q. This one you just can't --		1     concerning the nature of the relationship between the	
2     A. Yeah.		2     Yarbenet family and the [REDACTED] family?	
3     Q. -- put your fingers on.		3     A. At the time I did not. When I talked to Bob	
4     A. Well, it's been so long too.		4     Snyder later on, he did tell me that they did go to church	
5     Q. Right.		5     together. Because I did express to him that this was a big	
6     A. But I have looked. So I can't seem to find it.		6     concern of mine. And I did not -- I was not comfortable	
7     Q. And I think you put it that there was something		7     with it at all. And that's when he told me that it was out	
8     about Yarbenet's demeanor that made you uncomfortable.		8     of the School District's hands because the parent had said	
9     A. Yes.		9     he's mentoring her, they go to church together, and that	
10    Q. Did any student ever approach you or indicate to		10    they're good friends.	
11    you that Greg Yarbenet had touched them inappropriately or		11    Q. Are you sure it was church together or that -- I	
12    sexually harassed them in any way?		12    didn't -- it's not my understanding that they went to the	
13    A. No.		13    same church, but that the families were close. Do you	
14    Q. And you never observed any contact between Greg		14    remember precisely what he told you in that regard?	
15    Yarbenet and any student that you considered to be sexual		15    A. From what I can remember, it was church together.	
16    harassment or abuse or anything?		16    Q. Okay.	
17    A. No.		17    A. So, like I said, it's been so long, that -- but	
18    Q. Okay. Your concern was that -- was based upon		18    from my recollection.	
19    your gut feeling about Yarbenet and the fact that he was in		19    Q. I understand you're doing the best you can to	
20    this room for some period of time alone with any student.		20    remember things that took place years ago. Have you ever	
21    A. Correct.		21    had any contact with Mrs. [REDACTED] S. [REDACTED] mother?	
22    Q. I take it this would have been early in the day		22    A. No.	
23    when they were having student announcements.		23    Q. Mr. [REDACTED]?	
24    A. First thing in the morning, yes.		24    A. No.	
25    Q. And do you recall how long that the period of time		25    Q. And your best estimate when Yarbenet and S. [REDACTED]	
	Page 23		Page 25
1     was between the time kids would arrive in that TV studio and		1     would apparently be in the studio alone together, for how	
2     when they would then be moving on to their first class or		2     long a period of time, do you recall?	
3     back to their homerooms?		3     A. No. No. Because that's what I said before, there	
4     A. Oh, I would have no idea.		4     was -- because I know that I would observe it when we left	
5     Q. Okay.		5     homeroom, but I have no idea what the time period was.	
6     A. Because I would observe the door being closed		6     Q. I got you. You just know for some period of time,	
7     after the announcements and after homeroom was done. But I		7     which you can't quantify, they would have been in there	
8     don't remember from the time the announcements ended to the		8     alone together.	
9     time that homeroom was done.		9     A. Correct.	
10    Q. Okay. Were you ever able to see into the room and		10    MR. LANZILLO: That's all I have, Ms. Jenke.	
11    see any activity in there?		11    Thank you very much.	
12    A. No.		12    MR. OLDS: I just have a -- hopefully not too many	
13    Q. The instance where you observed Yarbenet and S. [REDACTED]		13    additional follow-up questions.	
14    [REDACTED] in Wal-Mart, were they walking through Wal-Mart?		14	
15    A. Yes.		15    REDIRECT EXAMINATION	
16    Q. Okay. Did you have occasion to talk to either one		16    BY MR. OLDS:	
17    at that time?		17	
18    A. I did say hello to Greg. Like I said, I did not		18    Q. I think you said that you delivered the letter to	
19    know S. [REDACTED] at the time.		19    Mr. Snyder, and was there a period of time when you didn't	
20    Q. Okay. You didn't know whether S. [REDACTED] was there		20    hear back from him?	
21    with the parents' permission or what the circumstances were?		21    A. Yes.	
22    A. No, I did not. I just -- I saw the two of them		22    Q. Okay. And then you saw them, S. [REDACTED] and Yarbenet,	
23    walking together. I wouldn't have even known they were		23    at Wal-Mart, and so you went back and talked to Bob Snyder.	
24    together except that they were right next to one another.		24    A. Correct.	
25    Q. Do you have any knowledge or information		25    Q. And that's when you recall him saying that -- I	

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